

REMARKS

Applicants note with appreciation that in the Office Action of February 25, 2009, the Examiner stated that claims 2-4, 8, 13, 16-23, 26, 33, 34, 37 and 41-49 are allowed.

Claims 35, 14, 36 and 39-40 were rejected under 35 USC 103(a) as being unpatentable over McCallum (US 4,085,028 in view of Price, et al (US 2003/0213503).

Claim 38 was rejected under 35 USC 103(a) as being unpatentable over McCallum (US 4,085,028) in view of Price, et al (US 2003/0213503) as applied above to claim 35, and further in view of Bentley (US 6,716,325).

In rejecting independent claim 35, the Examiner stated that the structural limitation in claim 35 relating to the "storage space" was limited to "a storage space . . . arranged to receive a supply of a salt composition in solid form." It was the Examiner's conclusion that any open space within the enclosure of the electrolytic cell which was capable of receiving a supply of a salt composition in solid form would meet this claim limitation, and since McCallum shows that there is at least some open space within the enclosure of the electrolytic cell, McCallum teaches this limitation as claimed.

By the present amendment, applicants have amended claim 35 to clarify the claimed invention, and have further defined the structure of the storage space to specify that this storage space is segregated as clearly shown in FIG. 1. The storage space 76 as shown in that FIG. is not some undifferentiated open space within the enclosure of the electrolytic cell, but rather is a clearly segregated area designated with boundary lines.

As pointed out in the response to the prior Office Action, McCallum provides a segregated storage space for salt two structures away from the electrolysis cell. The Examiner acknowledges that McCallum does not provide a segregated storage space within the electrolysis cell, only an undifferentiated space that might be capable of receiving a supply of a salt composition.

Since applicants have now defined additional structure with regard to the storage space, which is not shown or suggested by the references relied on by the Examiner, applicants submit that independent claim 35 and its dependent claims 14, 36 and 39-40 are patentably distinguishable over the references relied on by the Examiner.

Applicants request that the Examiner reconsider the rejection of claims 35 and 14, 36 and 39-40, and indicate those claims as allowed with the other claims in the application, and pass the application to issue.

Respectfully submitted,

/Kevin W. Guynn/ (Reg. No. 29,927)
Kevin W. Guynn
GREER, BURNS & CRAIN, LTD
Customer Account No. 24978
300 S. Wacker Drive , Suite 2500
Chicago, Illinois 60606-6771
Telephone (312) 987-2917
Attorneys for Applicant